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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CR No.: 06-70121 BZ
	)	
Plaintiff,	)	STIPULATION AND
	)	<u>ORDER EXCLUDING TIME</u>
v.	)	
	)	
RAFAEL GOMEZ RUVALCABA,	)	
	)	
Defendant.	)	
	)	

On March 24, 2006, the parties in this case appeared before the Court for a preliminary hearing. At that time, the parties requested and the Court agreed to continue the hearing to April 7, 2006. The parties further stipulated that pursuant to Federal Rule of Criminal Procedure (FRCP) 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from March 24, 2006, to and including April 7, 2006. The parties agree that – taking into account the public interest in prompt disposition of criminal cases – good cause exists for this extension. Defendant also agrees to exclude for this period of time any time limits applicable under Title 18, United States Code, Section 3161. The parties represented that granting the continuance was the reasonable time

necessary for continuity of defense counsel and effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

KEVIN V. RYAN  
United States Attorney

3/24/2006  
DATED: \_\_\_\_\_

/s/ Derek Owens

DEREK OWENS  
Special Assistant United States Attorney

3/27/2006  
DATED: \_\_\_\_\_

/s/ Daniel Blank

DANIEL BLANK  
Federal Public Defender

For the reasons stated above, the Court finds that an exclusion of time from March 24, 2006, to and including April 7, 2006, is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested continuance would deny Mr. Ruvalcaba continuity of counsel and would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

SO ORDERED.

DATED: March 31, 2006

  
BERNARD ZIMMERMAN  
United States Magistrate Judge